

Appl. No. 10/770,668
Amdt. Dated August 7, 2007
Reply to Office action of April 9, 2007.

35 U.S.C. §103(a).

Claims 9-16 were rejected under 35 U.S.C. §103(a) as allegedly obvious over Tang in view of Wang.

Three requirements must be met for a *prima facie* case of obviousness. First, the prior art reference must teach all of the limitations of the claims. M.P.E.P. § 2143.03. Second, there must be a motivation to modify the reference or combine the teachings to produce the claimed invention. M.P.E.P. § 2143.01. Third, a reasonable expectation of success is required. M.P.E.P. § 2143.02. The teaching or suggestion to combine and the expectation of success must be both found in the prior art and not based on Applicants' disclosure. M.P.E.P. §2143.

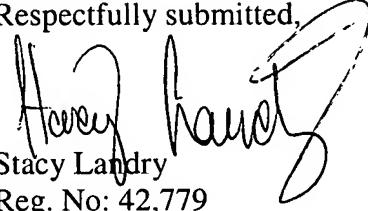
As described above, Tang does not teach every element of the claimed invention because it does not teach a fragment of a mature MDH molecule. As the Examiner relies on Tang for this teaching and does not allege that Wang teaches a fragment of a mature MDH protein, this element of the claim is not met by the combination of references. Therefore, the claimed invention is not obvious over Tang and Wang and Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the claims are deemed not to be in condition for allowance after consideration of this Response, a telephone interview with the Examiner is hereby requested. Please telephone the undersigned at (510) 337-7871 to schedule an interview.

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Respectfully submitted,

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Attachments:

- 1) A petition to extend the period of response for 1 month;
- 2) A transmittal sheet;
- 3) A fee transmittal sheet; and,
- 4) A receipt indication postcard.